

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

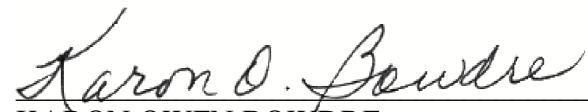
ADRIAN DE'WAYNE GARDNER, )  
                                  )  
                                  )  
Plaintiff,                   )  
                                  )  
vs.                            ) 2:02-cv-01458-KOB-PWG  
                                  )  
                                  )  
DENNIS LYNN GRIFFIN,       )  
                                  )  
                                  )  
Defendant.                   )

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on July 27, 2005, recommending that the defendant's motion for summary judgment be granted and this cause be dismissed. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, defendant's motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED. A Final Judgment will be entered.

DONE this the 25th day of August 2005.



Karon O. Bowdre  
KARON OWEN BOWDRE  
UNITED STATES DISTRICT JUDGE

